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Serial No.: 09/898,700

Group No.: 1771

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Comments:

Attached are the documents (Response to Restriction Requirement and Request for Extension of Time) mailed on April 1, 2003 (and received by the PTO on April 7, 2003, postcard attached) on April 7, 2003.

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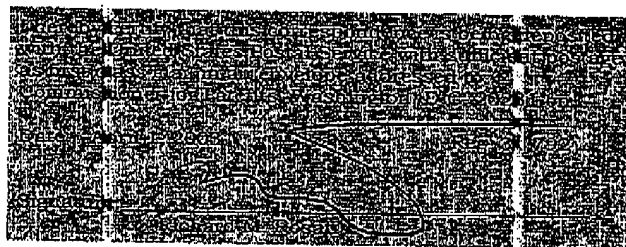
Docket No.: 22750/487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Manfred JOST et al.
Serial No. : 09/898,700
Filed : July 3, 2001
For : FUSIBLE WATER-SOLUBLE EMBROIDERY
LINER
Group Art Unit : 1771
Examiner : Jennifer A. BOYD

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Commissioner for Patents
Washington D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT
AND REQUEST FOR EXTENSION OF TIME**

SIR:

Applicants respectfully request a one-month extension of time in which to respond to the office action mailed on February 6, 2003, for which a one-month response period expiring on March 6, 2003 was set. The extended period expires on April 6, 2003. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.136 extension fee of **\$110.00** to the Deposit Account of **Kenyon & Kenyon**, Deposit Account number **11-0600**. The office is also authorized to charge any additional fees, or credit overpayments, associated with this paper to Deposit Account **11-0600**. A duplicate copy of this form is enclosed.

In response to the requirement for restriction mailed on February 6, 2003, Applicants elect, with traverse, claims 1-9 (i.e., Group I)

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for further prosecution on the merits. However, it is respectfully submitted that the restriction requirement should be withdrawn for the following reasons.

In support of the requirement, the Office Action states that the inventions of Groups I and II are distinct from each other. However, restriction under 35 U.S.C. § 121 can be made only if two inventions are both independent and distinct. "Independent", as defined in the MPEP (for purposes of restriction practice) means that "there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation or effect." (emphasis added). MPEP § 802.01. It is submitted that the inventions of Groups I and II are not independent because the method of claims 10-14 is specially adapted to make the fusible embroidery liner of claims 1-9. Indeed, claims 10-14 are ultimately dependent from claim 1.

In addition, examination of the claims of Group I (claims 1-9) would involve searching all of the Patent and Trademark Office classes and subclasses in which the claims of Group II (claims 10-14) are also classified. Therefore, the same patentability search would embrace both the fusible embroidery liner and its method of manufacture. Actually, the claims bear such relation to one another as to bring them within the bounds of a single invention.

For the preceding reasons, the restriction requirement between the claims of Group I and the claims of Group II should be withdrawn.

Respectfully submitted,

Dated: April 1, 2003

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Case No. 22750/487

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Due Date 4/1/03

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

☐ Application☐ Amendment☐ Assignment☐ Notice of Appeal☐ Prior Art Statement☐ Appeal Brief☒ Extension Request☐ Priority Document☐ Issue Fee☐ Declaration☐ Small Entity☒ Exp Act #11-2600☒ Response to Restriction

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